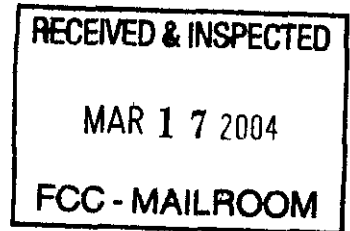


EX PARTE OR LATE FILED

ORIGINAL



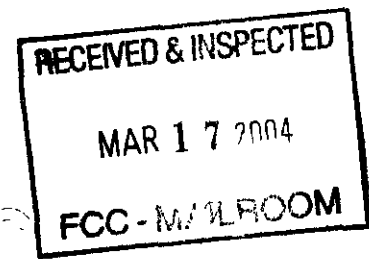
Ex parte written submission enclosed in connection with proceeding no. 02-278, petition by Consumer Bankers Association.

Notice copies to the Secretary, for inclusion on the Public Record.

No. of Copies rec'd 012
List ABCDE

O W E N B O N H E I M E R

2101 16th St., N.W., Apt. 225
Washington, D.C. 20009
March 12, 2004



By U.S. Mail, Delivery Confirmation
Genaro Fullano & Erica McMahon
Consumer and Governmental Affairs Bureau
Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

Re: Consumer Opposition to Consumer Bankers Association
 Petition for "Waiver and Other Relief" in Proc. 02-278

Dear Mr. Fullano and Ms. McMahon:

I noticed that the Consumer Bankers Association and their representatives visited you on February 18, 2004, in connection with their effort to prevent F.C.C. enforcement of rules preventing them from placing anonymous telemarketing calls to consumers at their place of business. As noted in my enclosed comment filed earlier this week, I strongly urge the Agency to reject their petition, or at the very least, carefully scrutinize their dubious claim that "no consumer protection issues" would be raised by granting their petition.

Whether at home or at work, consumers need protection from abusive telemarketing practices. At my office, I frequently receive anonymous, annoying, intrusive, and interruptive telephone calls from businesses marketing consumer goods and services. If the F.C.C. were to grant the petition, this troubling practice would become even more common, and the F.C.C. would set a dangerous precedent by inviting private parties to pursue what amounts to reversals of duly-enacted F.C.C. rules outside of the notice and comment process.

If the Consumer Bankers Association and its members and affiliates believe so strongly in their right to call consumers at their place of business, then they should have no problem identifying themselves by not blocking the caller I.D. function. The fact that they are seeking the right to hide from their targets suggests to me that they are interested in preventing their members from being held accountable for their actions. Please ensure that telemarketers are accountable by making sure they are identifiable.

Thank you for your continued good work to protect consumers.

Sincerely yours,

Owen Bonheimer, Esq.

Encl: comment filed by Owen Bonheimer in 02-278

Please accept this comment on the 1/28/04 Petition of Consumer Bankers Association seeking what they call a "waiver" of the FCC rule at 47 C.F.R. 64.1601(e), which requires telemarketers to identify themselves to their targets. That petition suggests, incorrectly, that "no consumer protection issues" would be raised by waiving the requirement that telemarketers who call businesses transmit their phone number. As a consumer who has frequently received intrusive, unwanted, and unidentified calls at my place of business from persons marketing consumer services such as debt counseling and consumer goods, I must respectfully but strongly disagree with petitioner's contention. The caller ID requirement should continue to apply to calls placed to consumers at their business. Telemarketers know that those who answer the telephone at a business are also consumers. That is why they market consumer goods and services to business phone numbers. If the telemarketing industry were allowed to circumvent consumer protections by making anonymous calls to businesses, that would defeat the purpose of the consumer protections in regulations we have deliberately put in place. Current law has it right. There is no more reason to allow the telemarketing industry to make anonymous calls to business than there is to allow the industry to make anonymous calls to homes. Further, Industry complaints regarding technical difficulties notwithstanding, I believe that it is actually much easier and less costly to maintain an outgoing telephone number that does NOT block the caller ID function. Accordingly, on behalf of consumers such as myself, whose work is often interrupted by persons peddling consumer goods and services who are afraid to identify themselves, I respectfully request that the FCC reject the petition and uphold its rules so as to ensure they protect consumers wherever they are, whether at work or at home. Further, should the Commission be inclined to seriously consider the arguments in the petition, then I respectfully request that the Commission pursue the well-established and time-tested notice and comment process, as any decision to preclude the application of the above provision to calls placed to businesses would constitute a rulemaking within the meaning of the Administrative Procedure Act.